

REMARKS

The Office Action of September 9, 2003 has been reviewed and the Examiner's comments carefully considered. The present Amendment amends claims 1 and 5 in accordance with the originally-filed specification and cancels claim 4. Claims 1-3 and 5-10 remain in this application.

Initially, the Examiner is thanked for indicating that all of claims 4-10 define over the prior art of record. The Examiner indicated that claims 4-10 would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. Substantively, the Examiner has rejected claims 1-3. Specifically, claims 1-3 stand rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 5,667,086 to Guerre in view of U.S. Patent No. 4,678,094 to Bullock and/or U.S. Patent No. 4,577,771 to Martinez. In view of the above amendments and following remarks, Applicants respectfully request reconsideration of these rejections.

Independent claim 1 of the present application, as amended, is directed to a sealing label for sealing container consisting of a barrel portion and a cap portion threaded and tightened on the barrel portion. This sealing label includes a lower portion for substantially wrapping the barrel portion and an upper portion for substantially wrapping the cap portion. The sealing label includes horizontal perforations consisting of cut segments and uncut segments extending along a border between the upper portion and the lower portion. A knob portion is disposed at an edge of the upper portion, and inclined perforations, including cut segments and uncut segments, extend obliquely in the upper portion from the knob portion to the horizontal perforations. Further, the uncut segment of the horizontal perforations located at the contact area between the horizontal perforations and the inclined

perforations is formed as an elongate uncut segment which has a greater length than that of the other uncut segments of the horizontal perforations.

The Guerre patent is directed to a sealing top for bottles. As seen in Fig. 1, the cap or sealing label includes a barrel portion and a cap portion consisting of an upper part or cap 1 and a lower part or skirt 2. Perforated lines 3a and 3b define a tab 4, and perforated lines 3b extend along the cap end intersected peripheral perforated tear line 3c, which is arranged on the borderline between the open cap 1 and the skirt 2 at an interface point.

The Bullock patent is directed to a tamper-resistant container cap. As best seen in Figs. 1 and 3, a circumferential groove 18 is formed on the inside of a skirt 13. A second groove 19 extends downward from the groove 18 and curves to the bottom edge 22 of the skirt 13. Immediately adjacent the intersection of groove 19 and bottom edge 22 is a tab 21, which extends from the skirt and may be gripped by the user for opening a seal.

The Martinez patent is directed to a tearable bottle cap. Like the Bullock patent, the Martinez patent includes a lower edge 24 and partitioned walls 21, 22 arranged within the score line 9 and positioned at a point near the lower edge of the skirt 1. The score line 9 is linear and terminates at a pull tab 7, which includes multiple anti-skid ribs 8 for providing a secure grasping area for tearing the cap from the bottle.


As set forth above, the Examiner has indicated that claims 4-10 have been objected to as being dependent upon a rejected base claim. However, if the limitations of any of these claims would be placed in independent claim 1 (including all the limitations of the base claim and any intervening claims), the resulting claim would be allowable. Accordingly, Applicants have placed the limitations of dependent claim 4, regarding the uncut segment, in independent claim 1. Former dependent claim 4 depended directly from

independent claim 1, and there were no intervening claims between them. Therefore, independent claim 1, as amended, and as indicated by the Examiner, defines over the prior art of record and is in allowable form. For these reasons, reconsideration of the rejection of independent claim 1 is respectfully requested.

Claims 2, 3 and 5-10 all depend directly or indirectly from and add further limitation to independent claim 1 and are believed to be allowable for the reasons discussed hereinabove in connection with independent claim 1. In addition, the Examiner agrees with Applicants, in that the limitations found in claims 5-10 further define over the prior art of record. Therefore, for all the above reasons, reconsideration of the rejections of claims 2 and 3 is respectfully requested.

For all the foregoing reasons, Applicants believe that claims 1-3 and 5-10, as amended, are patentable over the cited prior art and are in condition for allowance. Reconsideration of the rejections and allowance of all pending claims 1-3 and 5-10 are respectfully requested.

Respectfully submitted,
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